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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,398	02/04/2004	Kunitaka Komaki	392.1870	2741

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EXAMINER

IP, SHIK LUEN PAUL

ART UNIT PAPER NUMBER

2837

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/770,398	Applicant(s) KOMAKI ET AL.	
	Examiner Paul Ip	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6, 11-13 and 16-18 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7-9 and 14 is/are rejected.
- 7) ☒ Claim(s) 3, 10 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/4/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/26/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 2/4/04 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

- The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
4. Claims 1, 2, 7, 9, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kazama et al (6,791,294).

With respect to claims 1, 2, 7, 9, and 19, the patent to Kazama et al shows in figure 1 that a numerical control device 1 and at least one servo amplifier numbered 50-1, 50-2, 30-1, and 30-(n-2) are connected to each other in a daisy chain system with a serial bus 40 to control a servo motor (column 1 line 38) connected to the servo amplifier. Kazama et al show in figure 1 that at least two types of data transfer systems 60 and 64 are prepared for the serial bus. A data transfer system (3 and 10) is selected by a parameter, which has been set in the numerical control device. The host controller has a master clock (col. 2line 34) for sending a command. See figure 1 for the means for changing the frequency of signal change for a predetermined time in the data on the serial bus on the basis a data transfer system 3 selected from the at least two data transfer systems, means for monitoring data on the serial bus received from the servo amplifier connected to the serial bus, and mean for performing communication by the selected data transfer system. See figures 4 and 5 for the data transfer signals.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kazama et al (6,791,294) in view of Asahi (4,835,706) or Matsubara et al (2002/0010520 or 6,442,444).

Claims 8 and 14 further recite that the serial bus employs an optical communication system having optical modules. However, the patent/publication to Asahi and Matsubara et al discloses daisy chain serial communication systems for connecting a numerical controller to servo amplifiers comprising transmitting and receiving optical modules for serial communication. Prima facie case of obviousness is made that Kazama et al disclose a numerical controller and servo amplifiers connected with a serial communication line 40. Matsubara et al show in figures 4 and 5 that the flow chart diagrams are logically similar to figure 4 of the invention. Whereas, element "i" shown in figure 4 of the invention could be the same as element "j" of Matsubara et al.

Furthermore, it is well known in the art that the serial communication line can be a serial cable or fiber optic cable for providing the same signal transmission function. Since Kazama et al disclose the problem of prior art figure 5, and Kazama et al seek solution to solve the serial communication problem, for the benefit of the optical module for serial communication, it would have been obvious to one of ordinary skill in the art to provide Kazama et al with the optical module serial communication system as taught or suggested by Asahi or Matsubara et al.

Applicant's attention is directed to the European Search Report. The Report shows that claims 1 and 2 are not patentable over EP 0559214A (Pitney Bowes Inc.).

Allowable Subject Matter

9. Claims 3, 10, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 4-6, 11-13, and 16-18 are allowed.

Response to Amendment

10. Applicant's arguments filed Oct. 14, 2005 have been fully considered but they are not persuasive.

Applicant argues that Kazama does not teach or even suggest a servo motor control system in which at least two types of data transfer systems are prepared for the serial bus, and a data transfer system is selected by a parameter which has been set in the numerical control devices, as recited in claim 1.

Applicant's argument is not persuasive. A careful consideration of claims 1 and 19 recite nothing more than a numerical control system comprising at least two types of data transfer systems without any support or structure to define the two types of data transfer systems. It is notorious old in the art to have analog and digital or optical data transfer in a control system. Kazama et al show in figure 1 two types of data transfer systems stored in the reception buffer memory 62 and sending buffer memory 64 with the serial interface 60. It is notorious old in the art either to use analog or digital cable to transfer these data through a serial cable or optical cable. Applicant's argument is not supported by the board two types of data transfer systems recited in the claim. Claims 1 and 19 fail to provide any patentable bearing to support the invention of this application.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communication Information

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Ip whose telephone number is (571)-272-1941. The examiner can normally be reached on Monday to Friday from 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin, can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Paul Ip
Primary Examiner
Art Unit 2837

12/15/2005